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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,631	05/18/2004	Senichi Takagi	SHG-029P2	3630
26875	7590	10/16/2007		
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER SAFAVI, MICHAEL	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/709,631	Applicant(s) TAKAGI ET AL.	
	Examiner M. Safavi	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This application contains claims directed to the following patentably distinct species: Fig. 8; Fig. 13; Fig. 15. The species are independent or distinct because the species of Fig. 8 possesses a diagonal rib within the hollow projecting sections; the species of Fig. 13 possesses a linear inclined side surface of the hollow projecting section; the species of Fig. 15 possesses a curved inclined side surface of the hollow projecting section.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.
MPEP § 809.02(a).

Newly submitted claims 3 and 11 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 1 as filed

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within the request for continued examination on February 16, 2007 had presented a form panel possessing a diagonal rib within at least one of the hollow projecting sections. Thus claims 1, 3, 4, and 6-11 as filed with the request for continued examination on February 16, 2007 were directed only to the invention defined by Fig. 8 of the instant application.

Since applicant has received an action on the merits for the originally presented invention, (in this instance the invention presented within the filing of a request for continued examination) this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 3 and 11 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

Claim 1 is objected to because of the following informalities: Claim 1, line 21, "axisymmetrcial" should be --axisymmetrical--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4, and 6-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not appear to have originally disclosed "a second diagonal rib...formed within the other of said two hollow projecting sections is formed axisymmetrcial to said diagonal rib formed within said projecting section". The specification is, otherwise, not clear and complete as to what or how a diagonal rib is formed axisymmetrcial to said diagonal rib formed within said projecting section.

Applicants' arguments with regard to the above rejection have been reviewed. However, the disclosure as originally filed does not set forth "a second diagonal rib...formed within the other of said two hollow projecting sections is formed axisymmetrcial to said diagonal rib formed within said projecting section". It is not clear as to what Applicant is basing the support for the above limitation in question.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, and 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 14, to what does "one of said two hollow projecting sections" refer? Would this be the same as the "one of said two hollow projecting sections" introduced in lines 9-10 of claim 1? {Applicants' explanation by itself does not serve to clarify the

language of claim 1. If the recitation "one of said two hollow projecting sections" found in line 14 is the same as "one of said two hollow projecting sections" found in lines 9-10 then line 14 of claim 1 should read –said one of said two hollow projecting sections--} Line 14, "said sheathing section side" lacks antecedent basis within the claim. It is therefore not clear a to what is being defined by "said sheathing section side".

{Applicants' remarks concerning "said sheathing section side" do not serve clarify the language of claim 1; a sheathing section side shall be properly introduced within the claim language} Otherwise, it is not clear as to what is being defined by "in contact with a corner which is located on a distal end of said hollow projecting section"? It is not clear as to what forms the "corner" or "a distal end of a corner". Lines 16-17, "said sheathing section which is closest to said concrete placing surface" lacks antecedent basis within the claim. It is therefore not clear a to what is being defined by "said sheathing section which is closest to said concrete placing surface". Lines 26-28 of claim 1 are not, at all, clear. Lines 26-28 of claim 1 appear to state that hollow portions of both hollow projections and the hollow side panel are connected, but then goes on to state that they are divided. Such language appears to define a configuration opposite a subsequently recited configuration. {Applicants' remarks concerning lines 26-28 of claim 1 have been reviewed however, it is not seen how one hollow portion of the side panel is connected to hollow portions of the two hollow projections; otherwise any hollow portion might be considered as connected to any other hollow portion no matter what ribs or walls lie between them. Further, Applicants' illustration sets forth a hollow portion of the hollow sheathing section when it is the hollow portion(s) of the hollow side panel

section that is recited within lines 26-28 of claim 1} To this end it is noted that claim 1 presents the hollow side panel sections as extending from the sheathing section "on a side of said sheathing section opposite to said concrete placing surface". However, with such a definition of the hollow side panel sections there can only be one "hollow projecting section" extending from any given "hollow side panel section". See for example, lines 6-8 in claim 1. In light of the above, the metes and bounds of the language of claim 1 is not understood.

Response to Arguments

Applicant's arguments with regard to the language of claim 1 have been reviewed. Reference is made to the examiner's remarks presented above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354**

M. Safavi
October 10, 2007